

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DEAN MICHAEL BRAUN,)	
)	
Petitioner,)	
)	
v.)	1:21CV638
)	
STATE OF NORTH CAROLINA,)	
)	
Respondent.)	

ORDER

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on January 14, 2022, was served on the parties in this action. (Docs. 11, 12.) Petitioner filed a motion for certificate of appealability (Doc. 14) and objected to the Recommendation (Doc. 15), but his "general and conclusory objections [] do not direct the court to a specific error in the [M]agistrate [Judge]'s . . . [R]ecommendation[]," Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982). In the absence of specific objections, the court need review the Recommendation only for clear error, Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005), and need not give any explanation for adopting the Recommendation, Camby v. Davis, 718 F.2d 198, 199-200 (4th Cir. 1983). Notwithstanding Petitioner's failure to lodge specific objections, the court has made a de novo determination in

accord with the Recommendation. The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that the Respondent's Motion to Dismiss (Doc. 7) is GRANTED, and that the Petition (Doc. 2) and Motion for Certificate of Appealability (Doc. 14) are DENIED. A judgment dismissing this action will be entered contemporaneously with this Order.

Finding neither a substantial issue for appeal concerning the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, a certificate of appealability is DENIED.

/s/ Thomas D. Schroeder
United States District Judge

February 24, 2022